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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,761	06/25/2001	Kang Soo Seo	2080-3-28	8813
35884	7590	01/20/2006		
LEE, HONG, DEGERMAN, KANG & SCHMADEKA, P.C. 801 SOUTH FIQUEROA STREET 14TH FLOOR LOS ANGELES, CA 90017			EXAMINER CHEVALIER, ROBERT	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/888,761

Applicant(s)

SEO ET AL.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-6 are rejected under 35 U.S.C. 101 because the claims are directed to a recording medium storing nonfunctional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical “things” nor statutory processes. See, e.g. Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 12-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Kanazawa et al (P.N. US 2003/0152366 A1).

Kanazawa et al discloses a reproducing apparatus for reproducing data from a recording medium which shows all the limitations recited in claim 1, including the feature

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of recording medium having navigation data for control of searching and reproducing the audio/video data (See Kanazawa et al's Figure 2, component 40, and page 3, paragraph [0064], lines 8-12, and paragraph [0065]), and the feature of the language formatted data an audio/video presenting apparatus can interpret as specified in the present claim 1. (See Kanazawa et al's Figure 2, component 40, and page 3, paragraph [0065]).

With regard to claim 2, the feature of the language formatted data satisfying a digital television broadcast standard which has been proposed for applying Internet Protocol Language such as HTML, Java Script, CSS, and DOM to a television broadcast signal in order to provide various supplementary services through digital television broadcast signal as specified thereof is present in Kanazawa et al. (See Kanazawa et al's Figure 18, page 8, paragraph [0136]).

With regard to claims 3-4, the feature of the language formatted data being interleaved with the audio/video data within each pack in area for the audio/video data as specified thereof is present in the cited reference of Kanazawa et al. (See Kanazawa et al's Figure 18).

With regard to claim 5, the feature of the language formatted data being written in an area for the navigation data with separation from the navigation data as specified thereof is present in Kanazawa et al. (See Kanazawa et al's page 7, paragraph [0133], lines 18-21, shown in page 8).

With regard to claim 6, the feature the language formatted data being divided into two parts, which are written, in two areas of navigation and audio/video data as

specified thereof is present in Kanazawa et al. (See Kanazawa et al's Figure 18, and page 8, paragraph [0136]).

With regard to claim 7, the feature of transmitting the reproduced audio/video data and language formatted data to a connected external apparatus through a digital interface as specified thereof is present in Kanazawa et al. (See Kanazawa et al's Figure 19b).

With regard to claims 8, and 13, the feature of discriminating language formatted data packet from audio/video data packet based on checked packet identifier as specified thereof is present in Kanazawa et al. (See Kanazawa et al's page 9, paragraphs [0161-0162]).

With regard to claim 9, the feature of identifying the values of packet identifiers of audio/video data and language formatted data in advance from program service information written in navigation data area of the recording medium as specified thereof is present in Kanazawa et al. (See Kanazawa et al's page 9, paragraph [0162], and page 11, paragraph [0211]).

With regard to claims 12, and 14, the feature of conducting an operation in accordance with the interpretation of the language-formatted data as specified thereof is present in Kanazawa et al. (See Kanazawa et al's Figure 22).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 10-11, 15-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al in view of Ibaraki et al.

Kanazawa et al discloses a video reproducing apparatus that shows substantially the same limitations recited in claims 10-11, and 15-16, including the feature of transmitting the audio/video and language formatted data through a digital interface as specified in the present claims 10-11, and 15-16. (See Kanazawa et al's Figure 16).

Kanazawa et al fails to specifically disclose the feature of transmitting the audio/video data and the language formatted data through isochronous channel and asynchronous channel respectively as specified in the present claims 10-11, and using IEEE 1394 standard interface as specified in claims 15-16.

Ibaraki et al discloses a transmission system which includes the feature of transmitting data such as audio/video data through isochronous channel and data such as files through asynchronous channel as claimed in claims 10-11, and using IEEE

1394 standard interface as specified in claims 15-16. (See Ibaraki et al's column 1, lines 33-45, and further, see Ibaraki et al's Figure 10 and the corresponding disclosure).

It would have been obvious to one skilled in the art to modify the Kanazawa et al's apparatus wherein the transmitting means provided thereof would incorporate the capability of transmitting the audio/video data through isochronous channel and transmitting the language formatted data through asynchronous channel using an IEEE 1394 standard interface in the same conventional manner as is shown by Ibaraki et al. The motivation is to smoothly transmit the data to the display device as suggested in the prior art.

With regard to claim 17, the feature of the language formatted data having syntax for supporting a way of designating and accessing contents of other apparatus as specified thereof would be present in the proposed combination indicated above. (See Kanazawa et al's Figure 22).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier  
January 4, 2006.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER